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Attorney's Docket No.: 22188-0002005

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Number of pages including this page 6

Applicant : Andrew Egendorf
Serial No. : 09/975,839
Filed : October 11, 2001

Art Unit : 3624
Examiner : Daniel Delten
Confirmation No. 4483

Title : Internet Billing Method

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

A Status Request for *Petition for Reconsideration of Patent Term Adjustment* dated July 28, 2008 is attached.

Date: July 28, 2008

Respectfully submitted,



Paul A. Pysher
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Attorney Docket No.: 22188-002005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee : Andrew Egendorf
Patent No. : 6,976,008
Issue Date : December 13, 2005
Serial No. : 09/975,839
Filed : October 11, 2001
Title : INTERNET BILLING METHOD

Art Unit : 3624
Examiner : Daniel Felten
Conf. No. : 4483

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STATUS REQUEST
FOR

PETITION FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT

A Petition For Reconsideration Of Patent Term Adjustment (copy attached) was filed on April 11, 2007 in the above patent, and is currently available in PAIR. As of today, no action has been taken on this Petition. Would you please let us know when action might be taken.

The patentee's undersigned attorney can be reached at the address shown below. All telephone calls should be directed to the undersigned at 617-521-7896.

Respectfully submitted,

Date: July 28, 2008



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Attorney's Docket No.: 22188-002001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee : Andrew Eigendorf
Patent No. : 6,976,008
Issue Date : December 13, 2005
Serial No. : 09/975,839
Filed : October 11, 2001
Title : INTERNET BILLING METHOD

Art Unit : 3624
Examiner : Daniel Felten
Conf. No. : 4483

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT

The patentee hereby requests that the Patent Term Adjustment (PTA) for the above-identified patent be reconsidered. The patentee believes that the PTA of 290 days for the above patent is incorrect and that the PTA to which patentee is entitled is 717 days.

Review of Patent Term Adjustment Calculations

A review of the Patent Term Adjustment History in the PAIR system shows that the Patent Office (PTO) calculated the PTA as follows:

- 1) Applicant submitted a response on February 3, 2003, thereby according an Applicant Delay of 12 days. The patentee does not dispute this calculation herein.
- 2) Applicant submitted a response on May 21, 2003. The PAIR system indicates a receipt date of May 23, 2003, thereby according an Applicant Delay of 109 days. The patentee does not dispute this calculation herein.
- 3) The PTO mailed a delayed action on January 23, 2004, thereby according a PTO Delay of 99 days. The patentee does not dispute this calculation herein.

Applicant : Andrew Bgendorf
Patent No. : 6,976,008
Issue Date : December 13, 2005
Serial No. : 09/975,839
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4) Applicant submitted a response on September 21, 2004, thereby according an Applicant Delay of 17 days. The patentee does not dispute this calculation herein

5) The PTO mailed a delayed action on February 4, 2005, thereby according a PTO Delay of 14 days. The patentee does not dispute this calculation herein.

6) The PTO delayed issuance until December 13, 2005, thereby according a PTO Delay of 178 days. The patentee does not dispute this calculation herein.

7) Due to the 3 year issuance delay, the PTO calculated an additional PTO delay of 137 days. The patentee respectfully disagrees with this calculation for the reasons explained in the section entitled "#7 Calculation" below. Instead, as explained below, the patentee asserts that the effective issuance delay is 564 days.

8) The PTO calculates a total PTO Delay of 428 days and a total Applicant Delay of 138 days, for a total PTA of 290 days. Applicant respectfully submits that the PTO's calculation of PTO Delay contains an error and that the correct total is 855 days, thus yielding a total PTA of 717 days.

#7 Calculation

The above-identified patent issued on December 13, 2005 with numerous printing errors, and with incorrect drawings. Accordingly, the patentee filed, on January 18, 2006, a sixty-nine (69) page "Request For Certificate Under 37 CFR 1.322" (copy attached) to correct errors that were the fault of the Patent Office. The filing included a request that the certificate of correction be expeditiously processed. In response, the Patent Office issued a certificate of correction on May 9, 2006 ("the May 9th certificate"), a copy of which is attached. The certificate of

Applicant : Andrew Egendorf
Patent No. : 6,976,008
Issue Date : December 13, 2005
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correction included the correct drawings and corrections to printing errors in both the specification and the claims.

The May 9th certificate introduced six new errors into the claims, which were the fault of the Patent Office, and which could have affected their enforceability. Accordingly, the patentee filed, on the following day - May 10, 2006, a request (copy attached) to correct errors in the May 9th Certificate. In response, the Patent Office issued a certificate of correction on February 13, 2007 ("the February 13th certificate"). The February 13th certificate supersedes the May 9th certificate.

A certificate of correction issued pursuant to 35 U.S.C. §254 is not effective for causes of action arising prior to issuance of the certificate.¹ Therefore, the patentee in this case had to wait until issuance of a certificate of correction before asserting the patent. For at least this reason, the patentee asserts that the effective issuance date of U.S. Patent No. 6,976,008 is February 13, 2007. This date is therefore used herein as the basis for PTA adjustment.

This Request is being filed within two months of February 13, 2007 and is therefore believed to be timely.

Conclusion

In consideration of the events described above, the patentee believes the PTA calculation of 290 days is incorrect. The patentee respectfully request reconsideration of the patent term adjustment in the following manner:

¹ Southwest Software, Inc. v. Harlequin Incorporated, 226 F.3d 1280 (Fed. Cir. 2000) (copy attached)

Applicant : Andrew Egendorf
Patent No. : 6,976,008
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- 1) Total PTO Delay should be calculated as 855 days; and
- 2) Total Applicant Delay should be calculated as 138 days.
- 3) An increase in the Total PTA from 290 to 717 days.

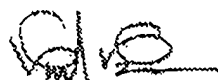
A "Petition Under 37 C.F.R. §1.82" is being filed concurrently herewith, as an alternative, to request a term adjustment of 717 days.

Please apply the fee for this Petition to deposit account no. 06-1050 referencing attorney docket no. 22188-002001.

The patentee's undersigned attorney can be reached at the address shown below. All telephone calls should be directed to the undersigned at 617-521-7896.

Respectfully submitted,

Date: April 11, 2007



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